Claim 22 is pending in this application.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Revici (US 4,596,706).

Revici discloses formulating sulfur-containing substances such as colloidal sulfur (elemental sulfur) with a binder for oral administration to humans. See column 2, lines 27-33 and lines 45-49; see also claims 1, 4 and 8.

It is recognized that Revici does not expressly disclose his composition for treating humans suffering from a disorder of glutathione conjugation. However, applicant's claims are directed to a process for manufacturing, not a process for treating. Therefore, given that the prior art discloses the same exact process for manufacturing, the intended purpose of the manufacturing process does not militate against anticipation. If that were the case, any patented process could be overcome by simply reciting a different purpose. Revici explicitly discloses formulating elemental sulfur and other sulfur compounds with a binder. Revici's binder is no different than applicant's and it is thus adapted to release a therapeutically effective quantity of elemental sulfur upon oral ingestion. Revici's dosage level from the process of manufacture is about 100 mg per capsule, 3 to 5 capsules per day (claim 5; column 2,

lines 50-57), whereas applicant has absolutely no disclosure of sulfur dosage. Therefore, in the absence of contrary evidence, Revici's process anticipates the instant claim.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JOHN PAK whose telephone number is **(571)272-0620.** The Examiner can normally be reached on Monday to Friday from 8 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Johann Richter, can be reached on **(571)272-0646**.

The fax phone number for the organization where this application or proceeding is assigned is **(571)273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John Pak/
Primary Examiner, Art Unit 1616